

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Records and information associated with the following
Facebook Account "Arletta Allen" (Councilwoman Allen)
[ID #100002387883345] that is stored at premises owned,
maintained, controlled, or operated by Facebook Inc., a
company headquartered in Menlo Park, California.

Case No. 21-M-487 (SCD)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Wisconsin:

See Attachment A

I find that the affidavit(s) or any recorded testimony, establish probable cause to search and seize the person or property described above and that such search will reveal:

See Attachment B

YOU ARE COMMANDED to execute this warrant ON OR BEFORE November 12, 2021 _____ (not to exceed 14 days)
☒ in the daytime between 6:00 a.m. and 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to: Stephen C. Dries

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 11-1-21 11:55 am

Stephen C. Dries
Judge's signature

City and State: Milwaukee, Wisconsin

Stephen C. Dries, U.S. Magistrate Judge
Printed Name and Title

Return		
Case No:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of:		
Inventory of the property taken and/or name of any person(s) seized:		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the undersigned judge.</p> <p>Date: _____</p> <p style="text-align: right;">_____ <i>Executing officer's signature</i></p> <p style="text-align: right;"><u>Rick Hankins, Special Agent, ATF</u> <i>Printed name and title</i></p>		

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the following Facebook Account "Arletta Allen (Councilwoman Allen)" [ID #100002387883345] that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities from June 1, 2019, to the present;
- (c) All "Stories" posted by the account from June 1, 2019, to the present;
- (d) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them from June 1,

2019, to the present, including Exchangeable Image File ("EXIF") data and any other metadata associated with those photos and videos;

- (e) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (f) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;
- (g) All other records and contents of communications and messages made or received by the account from June 1, 2019, to the present, including all Messenger activity, private messages, chat history, video and voice calling history, and pending "Friend" requests;
- (h) All "check ins" and other location information;
- (i) All IP logs, including all records of the IP addresses that logged into the account;

- (j) All physical location data for the account, including any data collected from electronic devices associated with the account, from June 1, 2019, to the present;
- (k) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (l) All information about the Facebook pages that the account is or was a "fan" of;
- (m) All past and present lists of friends created by the account;
- (n) All records of Facebook searches performed by the account from June 1, 2019, to the present;
- (o) All information about the user's access and use of Facebook Marketplace;
- (p) The types of service utilized by the user;
- (q) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (r) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- (s) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Facebook is hereby ordered to disclose the above information to the government within 10 days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of arson of commercial property, in violation of Title 18, United States Code, Section 844(i), for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence of the crimes described above;
- (b) Preparatory steps taken in furtherance of these crimes;
- (c) Evidence of the existence, scope, or overt acts in furtherance of a conspiracy;
- (d) Evidence of motive, intent, or knowledge of the crimes described above;
- (e) Evidence about the relationships between the users of these accounts;
- (f) Evidence of the location, whereabouts, and patterns of travel of the user of the account;
- (g) Appearance, clothing, and identity of the user of the account;
- (h) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (i) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;

- (j) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- (k) Evidence indicating that any person attempting to obstruct or impede investigations related to arson.

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Facebook Account "Arletta Allen" (Councilwoman Allen)
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maintained, controlled, or operated by Facebook Inc., a
company headquartered in Menlo Park, California.

Case No. 21-M-487 (SCD)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: 18 U.S.C. § 844(i)

The application is based on these facts: See attached affidavit.

- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Rick Hankins
 Digitally signed by RICKY HANKINS
 DN: c=US, o=U.S. Government, ou=Dept
 of Justice, ou=ATF, cn=RICKY HANKINS,
 0.9.2342.19200300.100.1.1=1500100169
 9456
 Date: 2021.11.01 10:17:19 -0500

Applicant's signature

Rick Hankins, Special Agent, ATF
 Printed Name and Title

via telephone and submitted via email
 Sworn to ~~before me and signed in my presence:~~

Date: 11-1-21

Stephen C. Dries
 Judge's signature

City and State: Milwaukee, Wisconsin

Stephen C. Dries, U.S. Magistrate Judge
 Printed Name and Title

**AFFIDAVIT IN SUPPORT OF
SEARCH WARRANT**

I, Rick Hankins, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with the following Facebook user ID: "Arletta Allen (Councilwoman Allen)" [ID #100002387883345], that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I am a Special Agent of the United States Justice Department's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Milwaukee Field Office. I have been so employed since April 2003. My duties as a Special Agent with ATF include investigating alleged violations of the federal firearms, explosives, and arson statutes.

3. I have completed approximately 26 weeks of training at the Federal Law Enforcement Training Center in Glynco, Georgia, as well as the ATF National Academy. That training included various legal courses related to constitutional law as well as

search and seizure authority. Additionally, I have received training on how to conduct various tasks associated with criminal investigations, such as interviewing, surveillance, and evidence collection.

4. In addition to my duties as a criminal investigator, I am also an ATF Certified Fire Investigator (CFI). As an ATF CFI, I am tasked with providing expert opinions as to the origin and cause of fires. I obtained the ATF CFI certification in 2009 following a two-year training program that centered on various fire science topics including, but not limited to: chemistry, fire dynamics, and building construction. The two-year ATF CFI certification program consisted of college courses, written exams, research papers, reading assignments, practical training exercises, and test burns of various materials. I am re-certified annually as an ATF CFI. To date, I have participated in over 285 fire scene examinations and have testified as an expert regarding the same. Additionally, I have been certified as a fire investigator by the International Association of Arson Investigators since June 2011. I have received over 1,485 class hours of fire related training. Furthermore, I have been an instructor regarding fire-related topics on multiple occasions for the following agencies and institutions: The National Fire Academy (FEMA), International Association of Arson Investigators Chapter 25, Waukesha County Technical College, and Blackhawk Technical College. I have also participated in over 215 live fire training exercises, where I started training fires and observed fire growth and development. Finally, I was a full-time instructor at the ATF National Academy from August 2015 to August 2016, where I taught several topics

during Special Agent Basic Training for new ATF recruits. Specifically, I was a primary instructor for the arson block of training at the ATF Academy,

5. I have previously applied for and received search and arrest warrants related to the crime of arson, as well as other crimes. I know from training as well as prior search warrants that business records, to include ledgers, bills, and other financial documents, can aid investigators in determining the financial health of a business at the time the business location suffered a fire. I also know from training and experience that fires are sometimes intentionally started by business owners in order to alleviate financial stress.

6. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

7. Based on the facts as set forth in this affidavit, there is probable cause to believe evidence of a crime is located within the records and information associated with the following Facebook Account "Arletta Allen (Councilwoman Allen)" [ID #100002387883345] that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California. Specifically, evidence exists at the aforementioned locations related to Arletta Allen's suspected use of fire to damage A Family Affair Soulfood restaurant, a business that

affected interstate commerce, on or about October 10, 2021, in violation Title 18, United States Code, Section 844(i).

PROBABLE CAUSE

A Family Affair Soulfood Kitchen Fire Scene

8. On October 10, 2021, at approximately 8:59PM, the Fond du Lac (Wisconsin) emergency dispatch center received a 911 call reporting smoke and a burning smell in the vicinity of the 400 block of South Main Street. Firefighters responded and subsequently located light, hazy smoke coming from the roof area of A Family Affair Soulfood Kitchen located at 417 South Main Street. Upon their arrival, firefighters found all of the doors of the restaurant to be closed and locked. Firefighters forced open the rear (east exterior door) of the restaurant and felt heat and observed heavy smoke inside the structure. The smoke completely obscured the firefighters' ability to see but they were able to feel their way to the swinging kitchen door that led from the back dining area into the east end of the kitchen. After entering the kitchen, firefighters used a thermal imaging camera and observed heat at the ceiling level of the kitchen. Firefighters further stated they turned to their right and observed a small fire approximately one foot high at the floor level in the top landing of the basement staircase. Firefighters sprayed water near the heat at ceiling level in the kitchen as well as the open flame they observed at floor level in the top landing of the basement staircase, and the fire quickly extinguished.

9. The Fond du Lac Police and Fire Departments subsequently requested investigative assistance from the Wisconsin State Fire Marshal's Office, which is attached to the Wisconsin Department of Justice - Division of Criminal Investigation (DCI). DCI later requested ATF investigative assistance regarding the origin and cause determination for the fire that damaged A Family Affair Soulfood Kitchen.

10. The building located at 417 South Main Street is owned by R.F. and leased by Arletta R. Allen. Allen is the owner and operator of A Family Affair Soulfood Kitchen. The property is insured by Germantown Mutual.

11. Your affiant, along with other investigators, conducted a fire scene examination at the restaurant on October 12, 2021, and again on October 14, 2021, pursuant to a signed consent to search form provided by Arletta Allen.

12. During the fire scene examination, investigators determined the fire originated on a shelf located on the north wall of the top landing of the basement staircase. Investigators found remnants of charred towels, cardboard, napkins, and electrical circuits and appliances in the area. An ATF Electrical Engineer examined the electrical components in the area of fire origin and did not locate evidence of electrical arcing which could be indicative of fire causation. Additionally, the ATF Electrical Engineer found no affirmative evidence that any of the electrical appliances on the shelf unit were energized at the time of the fire, which reduces the likelihood that the fire was the result of an electrical failure. According to Arletta Allen, the appliances on the shelf would have been plugged into a powerstrip that was itself plugged into a ceiling-

mounted receptacle. The ceiling-mounted receptacle was examined, and investigators found no evidence of blades plugged into the receptacle, but did locate intact blades attached to power cords not plugged into the receptacle. Additionally, investigators located remnants of two powerstrips and did not observe affirmative evidence that the powerstrips were energized at the time of the fire.

13. According to Spectrum records, the internet modem and cable TV box at the restaurant went offline between 2:26PM – 2:41PM on October 10, 2021, which is the timeframe when Allen closed and left the restaurant (a surveillance video captured Allen's vehicle exit the restaurant at approximately 2:36PM). A Spectrum representative stated that the company pings the appliances every 15 minutes and when the company pinged the restaurant modem and TV box at 2:41PM, both appliances were disconnected, which means they lost power. According to Allen, the modem and TV box were both located on the shelf in the top landing of the basement staircase and plugged into the same powerstrip.

14. Investigators also located two handheld lighters in a wall-mounted basket just outside the entry into the top of the basement staircase. Investigators collected several electrical artifacts from the fire scene for further forensic examination at the ATF Fire Research Laboratory. Your affiant also observed business files, including financial documents, in the basement office area of the restaurant during the fire scene examination.

Arletta Allen Statements

15. DCI conducted multiple recorded interviews of Arletta Allen. The following is a summary of information provide by Allen:

16. Allen stated that she had the front and back door locks to the restaurant re-keyed by Precision Locksmith about two days after she discovered her business burglarized on September 4, 2021. Allen stated her video surveillance DVR had been stolen during that burglary. She stated that after the door locks were re-keyed, a new key was placed in the lockbox and the code to the lockbox was changed. She stated the only people that knew the new code included herself, her barbecue/smoker employee she only knew as JoJo, and the delivery person for V. Marchese.

17. Arletta Allen was asked to provide investigators a description of her activities from the time that she closed and departed her business on October 10, 2021, until she was alerted to the fire. Allen stated that she had closed and departed the restaurant, with employee J.M., on October 10, 2021, between 2:45 – 3:00 PM. Allen stated that she drove straight home and did not stop on the way. She said she never left home until she was notified of the fire at her restaurant. Allen said that she was contacted by a woman that lived behind her restaurant and the woman sent her a picture of the fire department at the restaurant. Allen said she then used Facebook to call the woman as Allen was getting dressed to respond to the restaurant.

18. Allen further said she had experienced arcs and sparks emitting from near the ceiling-mounted receptacle located in the top landing of the basement staircase during the morning hours of October 10, 2021.

19. Allen stated that prior to opening the business, she had invested approximately \$100,000 in improvements to the building. She said that \$25,000 was from her life savings and the remaining \$75,000 was through loans.

20. Allen described her office space inside the business as being located in the basement at the bottom of the stairs. Allen also stated that she conducts business on her laptop, and she takes her laptop with her everywhere.

J.M. Statements

21. Investigators interviewed J.M., who was a fry cook at A Family Affair Soulfood Kitchen. J.M. stated he had given Allen his two-week notice approximately two weeks prior to the fire because he planned to move home to Cincinnati, Ohio. J.M. said that the day of the fire was his last day working for Allen and J.M. did not know who was going to replace him as a fry cook.

Surveillance Video

22. The following is a compilation summary of images captured by multiple surveillance cameras related to a fire that damaged A Family Affair Soulfood Kitchen. DCI recovered surveillance video from the following locations:

- Preferred Properties of Fond du Lac, Incorporated, located at 439 South Main Street, Fond du Lac, WI. The date & time stamp for this surveillance system was found to be accurate.
- A residence located at 406 South Center Street, Fond du Lac, WI. The date & time stamp for this surveillance system was found to be approximately 13 hours ahead of current Central Standard Time (CST).

23. Camera #2 located at Preferred Properties is mounted to the west exterior of the building and faces north. Camera #2 captures images of Main Street, including the sidewalk immediately in front of A Family Affair Soulfood Kitchen.

24. Camera #5 located at 406 South Center Street is mounted to the east exterior of the residence and faces north. Camera #5 captures images of Center Street. Camera #4 is mounted on the south exterior of 406 South Center Street and faces west. Camera #4 captures partial images of the rear (east exterior) of A Family Affair Soulfood Kitchen.

25. Figure #1 depicts an aerial view of the general geographic area referenced in this affidavit as well as the approximate locations of specific surveillance cameras.



Figure 1

26. The following is a summary of relevant images related to potential entry into A Family Affair Soulfood Kitchen prior to the fire on October 10, 2021:

27. At approximately 8:33:03PM (adjusted real time) (9:33:03AM system time), camera #5 located at 406 South Center Street captured images of a dark SUV with chrome wheels drive north on Center Street past 406 Center Street. The SUV pulled over briefly on the east side of the road just past 406 South Center, then continued northbound and slowed as though it was about to

park on the east side of the road near the intersection of 10th Street, just out of camera view.

28. At approximately 8:34:27PM (adjusted real time), camera #5 captured a person wearing a dark hoodie and carrying a backpack walk south on the west sidewalk past 406 Center Street, as depicted in Figure #2.



Figure 2

29. At approximately 8:37:03PM, camera #2 located at Preferred Properties captured images of the same person walking northbound through the parking lot, as depicted in Figures #3 and #4. The person wore a dark hoodie and dark pants, as well as dark shoes with a distinct white design on the sides of the shoes. The person also carried a glossy/reflective backpack.



Figure 3



Figure 2

30. At 8:37:54PM, as the person with the backpack reached the section of sidewalk in front of the restaurant, the person turned to the right (east) toward the restaurant and out of view of the camera.

31. At approximately 8:38:07PM (adjusted real time), camera #4 located at 406 South Center Street captured images of illumination from the motion light mounted near the rear (east exterior) door of A Family Affair Soulfood Kitchen. Images of the illumination and location of the motion light are depicted in Figures #5 and #6. The motion light turned off at approximately 8:38:18PM (adjusted time).

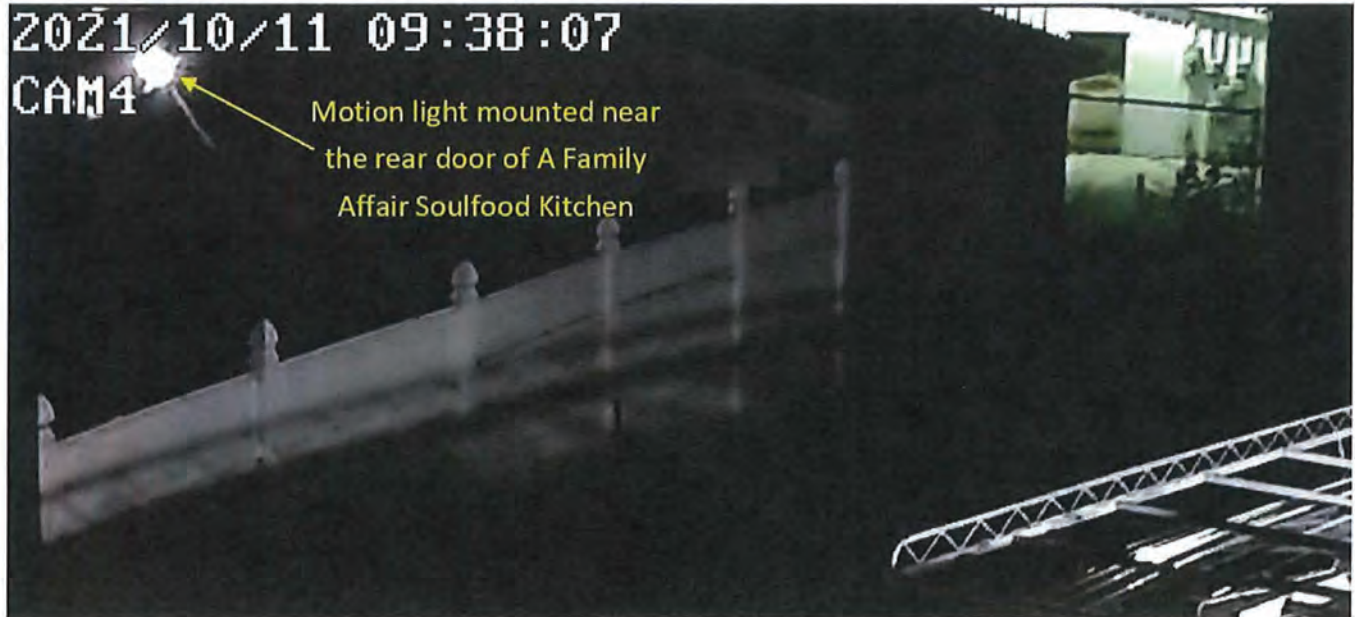


Figure 5

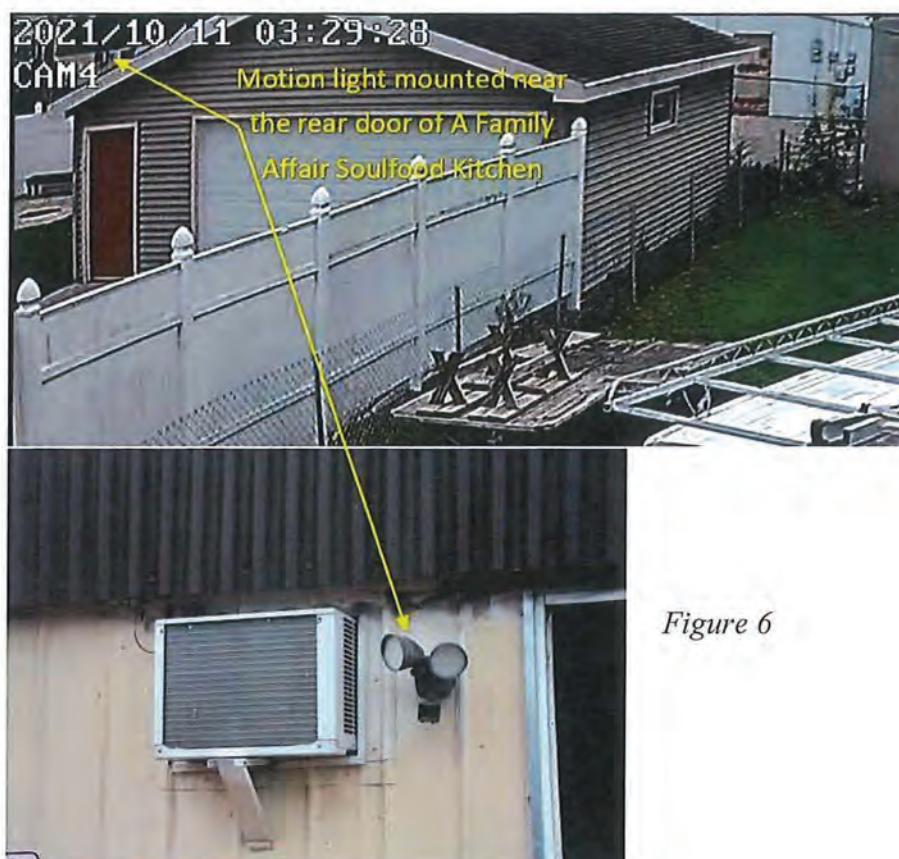


Figure 6

32. At approximately 8:41:43PM, camera #2 located at Preferred Properties captured images of the person wearing the hoodie and backpack emerge from the area of the restaurant and walk south on the sidewalk and through the parking lot at Preferred Properties, as depicted in Figure #7.



Figure 7

33. At approximately 8:44:40PM (adjusted real time), camera #5 located at 406 South Center Street appeared to capture the same person walking northbound on the east sidewalk.

34. At approximately 8:45:13PM (adjusted real time), movement was seen on the east side of Center Street near where the dark SUV with chrome wheels had slowed down prior to going out of camera view. At approximately 8:45:22PM (adjusted real time), reflections of lights pulsed twice, similar to a vehicle being unlocked, on the east side of Center Street. At approximately 8:45:27PM (adjusted real time), what appeared

to be vehicle lights illuminated on the east side of Center Street near where the dark SUV with chrome wheels had slowed down and then moved out of view to the north.

35. At approximately 9:03:57PM (adjusted real time), camera #4 located at 406 South Center Street captured images of a firefighter examining the buildings to the north of A Family Affair Soulfood Kitchen restaurant.

Arletta Allen Facebook Posts

36. Investigators located a publicly viewable Facebook profile depicting the likeness of Arletta Allen with the profile name "Arletta Allen (Councilwoman Allen)" and Facebook ID #100002387883345. Investigators have observed that Allen often posts multiple times daily to her Facebook account.

37. Investigators further observed photos posted by Allen on June 10, 2019, in which she is wearing black shoes with distinct white designs on the sides that are consistent with the shoes worn by the unknown person that approached the restaurant during the evening hours of October 10, 2021. Allen's size and shape also appear to be consistent with that of the person captured on the surveillance cameras. The shoe comparisons are depicted in Figure #8.



Arletta Allen Facebook



Suspect shoes

Figure 8

38. Additionally, investigators observed images of a dark colored Dodge Durango with chrome wheels posted by Allen to her Facebook page. Furthermore, DCI observed Allen driving a dark colored Dodge Durango with chrome wheels on October 14, 2021. The Dodge Durango included Wisconsin license plate #AFL5029.

39. A Wisconsin State query showed Allen owned a 2013 Dodge Durango Citadel with VIN# 1C4RDJEG5DC614246, with Wisconsin license plate #AFL5029

Allen Residence

40. Allen has current utility accounts in her name for the address 204 North Park Avenue, Fond du Lac, Wisconsin. Additionally, Agent Heimerl has interviewed Allen at her residence located at 204 North Park Avenue on three separate occasions.

41. Additionally, investigators conducted a trash pull on October 14, 2021, at 204 North Park Avenue and observed mail addressed to Allen at that address. The mail included a letter addressed to Allen from Alliant Energy stating that Allen's payment to Alliant Energy in the amount of \$224.97 had been rejected by Allen's bank. There was also a letter addressed to Allen from Nelnet, which is a student loan servicer, which stated, "We've enclosed the Economic Hardship Deferment application you requested to postpone your student loan payments." Additionally, investigators observed a credit card batch printout for A Family Affair Soulfood Kitchen.

Dodge Durango Navigation System

42. DCI Special Agent Ryan Windorff queried the VIN # for Allen's Dodge Durango and discovered that vehicle was installed with Uconnect 430N, which is a GPS navigation system that is capable of capturing and recording the movements of the vehicle.

Fire Cause Classification

43. Although the formal origin and cause investigation is ongoing and there will be additional examinations of electrical artifacts, Your Affiant believes the cause of this fire is more probable than not to be incendiary, an intentional act. Specifically, investigators did not observe evidence of an electrical failure in the area of fire origin, and there were no other potential accidental heat sources in that area other than electrical heat sources. Additionally, surveillance video supports the likelihood that a person entered the rear door of the restaurant approximately 20 minutes before the fire was first reported. The timing of that entry in relation to smoke being first observed by witnesses is consistent with intentional open flame ignition of combustible material. Additionally, the limited access to the door code lends to the probability that the person suspected of entering the rear door was likely Arletta Allen.

FACEBOOK FUNCTIONALITY

44. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

45. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

46. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

47. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings.

Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook. Depending on the user's privacy settings, Facebook may also obtain and store the physical location of the user's device or devices as they interact with the Facebook service on those devices.

48. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

49. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos

uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

50. Facebook users can exchange private messages on Facebook with other users. Those messages are stored by Facebook unless deleted by the user. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a chat feature that allows users to send and receive instant messages through Facebook Messenger. These chat communications are stored in the chat history for the account. Facebook also has Video and Voice Calling features, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

51. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

52. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

53. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

54. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present.

The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

55. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

56. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

57. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile and would show when and from what IP address the user did so. Based on my training and experience, I know that Facebook can provide real-time and historical location information for the device or devices using a Facebook account, including the date and time associated with a latitude and longitude.

58. Facebook further maintains a functionality it refers to as "Stories," whereby users can post photos and videos using Facebook's "in app" camera, frequently utilizing filters and additional text. After a user "posts" a "Story," the "Story" will be available to their "friends" for a 24-hour period, appearing at the top of their "News Feed" in the application.

59. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

60. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or

controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Facebook “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner’s state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or

consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

61. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

CONCLUSION

Based on the foregoing, I believe there is probable cause that evidence of a crime is located within the records and information associated with the following Facebook Account "Arletta Allen (Councilwoman Allen)" [ID #100002387883345] that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California. Specifically, evidence exists at the aforementioned account related to Arletta Allen's alleged use of fire to damage A Family Affair Soulfood restaurant, a business that affected interstate commerce, on or about October 10, 2021, in violation Title 18, United States Code, Section 844(i).

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the following Facebook Account "Arletta Allen (Councilwoman Allen)" [ID #100002387883345] that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities from June 1, 2019, to the present;
- (c) All "Stories" posted by the account from June 1, 2019, to the present;
- (d) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them from June 1,

2019, to the present, including Exchangeable Image File ("EXIF") data and any other metadata associated with those photos and videos;

- (e) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (f) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;
- (g) All other records and contents of communications and messages made or received by the account from June 1, 2019, to the present, including all Messenger activity, private messages, chat history, video and voice calling history, and pending "Friend" requests;
- (h) All "check ins" and other location information;
- (i) All IP logs, including all records of the IP addresses that logged into the account;

- (j) All physical location data for the account, including any data collected from electronic devices associated with the account, from June 1, 2019, to the present;
- (k) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (l) All information about the Facebook pages that the account is or was a "fan" of;
- (m) All past and present lists of friends created by the account;
- (n) All records of Facebook searches performed by the account from June 1, 2019, to the present;
- (o) All information about the user's access and use of Facebook Marketplace;
- (p) The types of service utilized by the user;
- (q) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (r) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- (s) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Facebook is hereby ordered to disclose the above information to the government within 10 days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of arson of commercial property, in violation of Title 18, United States Code, Section 844(i), for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence of the crimes described above;
- (b) Preparatory steps taken in furtherance of these crimes;
- (c) Evidence of the existence, scope, or overt acts in furtherance of a conspiracy;
- (d) Evidence of motive, intent, or knowledge of the crimes described above;
- (e) Evidence about the relationships between the users of these accounts;
- (f) Evidence of the location, whereabouts, and patterns of travel of the user of the account;
- (g) Appearance, clothing, and identity of the user of the account;
- (h) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (i) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;

- (j) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- (k) Evidence indicating that any person attempting to obstruct or impede investigations related to arson.